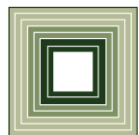


The Administrative Office of the Courts: Financing The Court System and Court Costs

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FISCAL RESEARCH DIVISION
A Staff Agency of the North Carolina General Assembly

JPS General Fund Budget by Agency FY 2014-15



Appropriation: \$2.4 billion
Receipts: \$235 million
Total GF Budget: \$2.6 billion

Source: NCAS, December 31, 2014 Authorized Budget

General Court of Justice Fees

		Criminal		Civil			Special Proceedings and Estates			FY 13-14 Disbursement	
		District Court	Superior Court	Magistrates' Court	District Court	Superior Court	Most Proceedings and Estates	Foreclosure	Probate Without Qual. of Personal Rep.		
General Court of Justice Fee	General Fund	\$127.05	\$152.05	\$77.55	\$127.55	\$177.55	\$104.50	\$300	\$20	\$219,567,367	
	State Bar Legal Aid Account: Access To Civil Justice	\$1.50									Disbursed to Legal Aid of NC, Pisgah Legal Services, and Legal Services of Southern Piedmont via the NC State Bar: \$2,842,377
	State Bar Legal Aid Account: Domestic Violence Victim Assistance	\$.95									
	Total	\$129.50	\$154.50	\$80	\$130	\$180	\$106	\$300	\$20		

Other Court Fees

	Criminal		Civil			Special Proceedings and Estates			FY 13-14 Disbursement
	District Court	Superior Court	Magistrates' Court	District Court	Superior Court	Most Proceedings and Estates	Foreclosure	Probate Without Qual. of Personal Rep.	
Facilities Fee	\$12	\$30	\$12	\$16	\$16	\$10	-	\$10	Counties: \$13,497,336 Municipalities: \$288,008
Phone Systems Fee	\$4								AOC Court Information Tech Fund: \$5,270,393
Service Fee	\$5 for each arrest or service of criminal process, including citations and subpoenas		\$30 for each item of civil process served by the sheriff					Counties: \$7,403,222 Municipalities: \$1,643,877	

District Court Criminal Court Costs Summary

Type	Total Cost	Amounts			
District Court Infraction	\$178.00	129.50	G CJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Infraction	\$188.00	129.50	G CJ	18.00	Misd. Confinement
Chapter 20 Offense		12.00	Facilities	5.00	Service
		4.00	Telephone	10.00	Chapter 20
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Misdemeanor	\$180.00	129.50	G CJ	18.00	Misd. Confinement
		12.00	Facilities	5.00	Service
		4.00	Telephone	2.00	DNA
		7.50	LEO Retirement		
		2.00	LEO Training		
District Court Misdemeanor	\$190.00	129.50	G CJ	18.00	Misd. Confinement
Chapter 20 Offense		12.00	Facilities	5.00	Service
		4.00	Telephone	2.00	DNA
		7.50	LEO Retirement	10.00	Chapter 20
		2.00	LEO Training		

Superior Court Criminal Court Costs Summary

Type	Total Cost	Amounts			
Superior Court <u>without</u> First Appearance in District Court	\$205.00	154.50	G CJ	5.00	Service
		30.00	Facilities	2.00	DNA
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>without</u> First Appearance in District Court Chapter 20 Offense	\$215.00	154.50	G CJ	5.00	Service
		30.00	Facilities	2.00	DNA
		4.00	Telephone	10.00	Chapter 20
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>with</u> First Appearance in District Court	\$334.50	154.50	G CJ (Superior)	5.00	Service
		129.50	G CJ (District)	2.00	DNA
		30.00	Facilities		
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		
Superior Court <u>with</u> First Appearance in District Court Chapter 20 Offense	\$344.50	154.50	G CJ (Superior)	5.00	Service
		129.50	G CJ (District)	2.00	DNA
		30.00	Facilities	10.00	Chapter 20
		4.00	Telephone		
		7.50	LEO Retirement		
		2.00	LEO Training		

Type	Total Cost	Amounts	
Superior Court Infraction Appealed from District Court for Trial De Novo	\$368.50	129.50 GCJ (District) 12.00 Facilities (District) 4.00 Telephone (District) 7.50 LEO Retirement 2.00 LEO Training (District) 18.00 Misd. Confinement 5.00 Service	154.50 GCJ (Superior) 30.00 Facilities (Superior) 4.00 Telephone (Superior) 2.00 LEO Training (Superior)
Superior Court Infraction Appealed from District Court for Trial De Novo Chapter 20 Offense	\$388.50	129.50 GCJ (District) 12.00 Facilities (District) 4.00 Telephone (District) 7.50 LEO Retirement 2.00 LEO Training (District) 18.00 Misd. Confinement 5.00 Service 10.00 Chapter 20 (District)	154.50 GCJ (Superior) 30.00 Facilities (Superior) 4.00 Telephone (Superior) 2.00 LEO Training (Superior) 10.00 Chapter 20 (Superior)
Superior Court Misdemeanor Appealed from District Court for Trial De Novo	\$372.50	129.50 GCJ (District) 12.00 Facilities (District) 4.00 Telephone (District) 7.50 LEO Retirement 2.00 LEO Training (District) 18.00 Misd. Confinement 5.00 Service 2.00 DNA (District)	154.50 GCJ (Superior) 30.00 Facilities (Superior) 4.00 Telephone (Superior) 2.00 LEO Training (Superior) 2.00 DNA (Superior)
Superior Court Misdemeanor Appealed from District Court for Trial De Novo Chapter 20 Offense	\$392.50	129.50 GCJ (District) 12.00 Facilities (District) 4.00 Telephone (District) 7.50 LEO Retirement 2.00 LEO Training (District) 18.00 Misd. Confinement 5.00 Service 2.00 DNA (District) 10.00 Chapter 20 (District)	154.50 GCJ (Superior) 30.00 Facilities (Superior) 4.00 Telephone (Superior) 2.00 LEO Training (Superior) 2.00 DNA (Superior) 10.00 Chapter 20 (Superior)

Why Do I Pay Court Costs When I Pay Online?

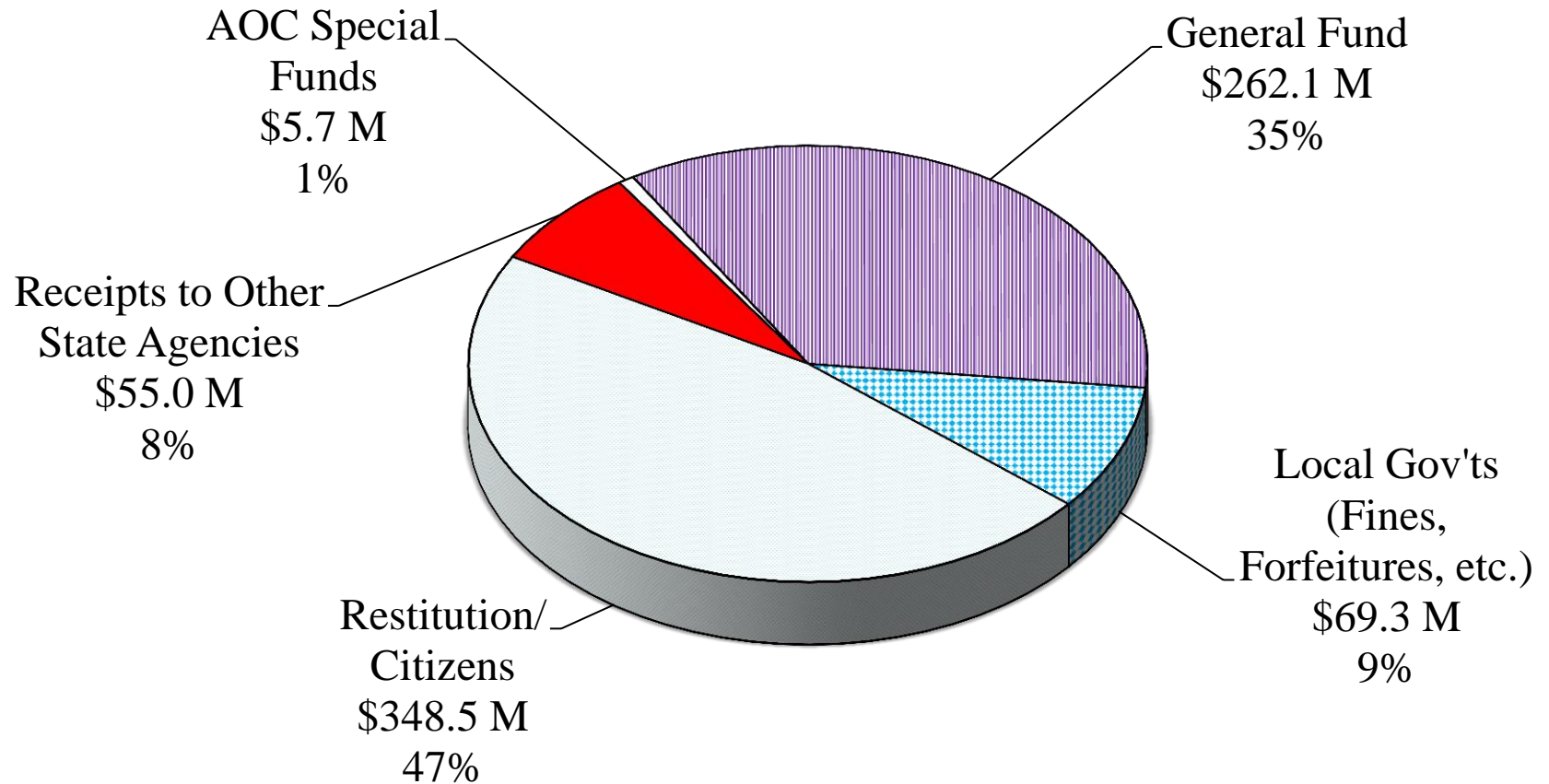
- All tickets require work on the part of law enforcement, the clerks, and other employees of the courts
- Except for certain specific offenses with unique costs or no costs (e.g., seat belt violations under G.S. 20-135.2A), the General Assembly requires the full payment of court costs when a person is found guilty of a crime or responsible for an infraction (G.S. 7A-304)
- The General Assembly has made no general exception for any offenses, even those disposed by mail or via payNCticket

Financing the Court System with GF Appropriations

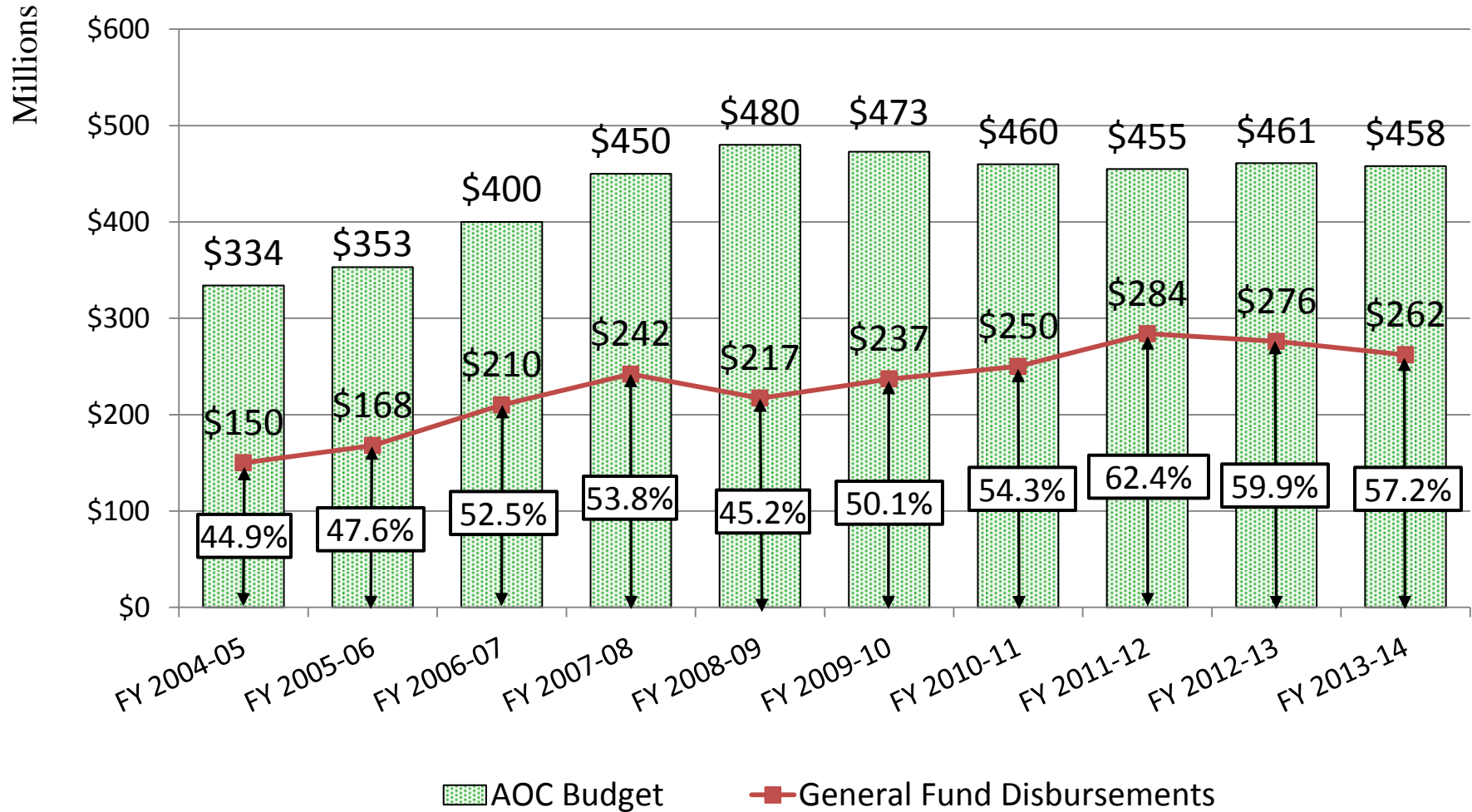
- At unification, NCGA funded the courts from the State's General Fund
- Prevents judicial officials from having a direct benefit from assessing court costs
- AOC continues to be primarily funded through the General Fund
- Appropriations unconnected to AOC court cost collections
- AOC collects three types of funds:
 - **Fees:** State General Fund and other state agencies
 - **Fines and forfeitures:** local governments for support of the school system
 - **Restitution:** citizens who have been victims of crime or successful claimants in civil suits

AOC Receipt Disbursements

Total Disbursements, FY 2013-14: **\$741 million**



AOC GF Collections Compared to Appropriations



Court Cost Waivers, FY 2012-13

	Partially Waived	Fully Waived	Partial or Full Waive Local Rule	Total
Statewide	11,286	9,246	247	20,779
Cumberland	8,474	125	-	8,599
Mecklenburg	607	1,022	-	1,629
Robeson	497	3,787	-	4,284
Wake	26	224	24	274

Source: AOC

2011 Auditor Report on Court Collections

- Found that court collection rates for certain offenses were:
 - 85.1% for traffic cases
 - 84.3% for cases resulting in unsupervised probation
- AOC responded:
 - Compliance rate for infractions is 99%
 - Those collections included DWI and criminal defendants, some of whom are sent to prison for failure to comply
 - Some of this population among the poorest in the State
 - Due process may delay collections

NCSC 2013 Survey: Percent of State Budget for Courts

Unified Court System		Non-unified Court System	
California	0.8%	Tennessee	0.4%
Kansas	1.7%	Texas	0.4%
Minnesota	1.7%	Louisiana	0.5%
Massachusetts	1.8%	Washington	0.5%
Maine	1.9%	Florida	0.6%
Alabama	2.0%	South Carolina	0.7%
Nebraska	2.0%	Wisconsin	0.8%
New York	2.0%	Georgia	0.9%
Alaska	2.1%	Indiana	0.9%
Missouri	2.1%	Idaho	1.0%
New Jersey	2.1%	Nevada	1.0%
Utah	2.1%	Arizona	1.3%
North Carolina	2.2%	Michigan	1.9%
Virginia	2.2%		
Hawaii	2.3%		
Delaware	2.5%		
New Mexico	2.5%		
Maryland	2.6%		
Oregon	2.7%		
South Dakota	2.7%		
West Virginia	3.0%		
Kentucky	3.4%		
Puerto Rico	3.8%		
New Hampshire	5.0%		

Source: National Center for State Courts

Comparison of Filing Fees in Other States

	Unified	Percent of Total Budget	Civil Filing Fees			Criminal Filing Fees	
			Small Claims or Magistrate	District	Superior/ Circuit	District/ Municipal	Superior/ Circuit
Alabama	Yes	2.0%	\$35-109	\$198	\$197-297	\$111	\$131
New Jersey	Yes	2.1%	\$15-30	-	\$200	varies	varies
Utah	Yes	2.1%	\$60-185	\$75-360	-	-	-
Alaska	Yes	2.1%	-	\$90	\$150	-	-
Virginia	Yes	2.2%	varies	varies	\$82-342	\$76-91	varies
North Carolina	Yes	2.2%	\$96	\$150	\$200	\$180	\$205
Hawaii	Yes	2.3%	-	\$145	\$300	-	\$240
Delaware	Yes	2.5%	-	\$30-80	\$175	\$50-125	\$100
New Mexico	Yes	2.5%	-	\$62-132	-	varies	\$35
Maryland	Yes	2.6%	-	\$38	\$80	\$38	\$80
Florida	No	0.6%	\$50-295	-	\$397.50- \$1902.50	varies	varies (typically \$100-300)
South Carolina	No	0.7%	\$45	\$100	\$150	-	-
Georgia	No	0.9%	\$99	\$210	\$210	varies	\$210

Source: Fiscal Research and NCSC

